

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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MARK TRACHTMAN,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:23-cv-2324
	:	
THE MUTUAL LIFE INSURANCE	:	
COMPANY OF NEW YORK,	:	
Defendant.	:	

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**O R D E R**

**AND NOW**, this 3<sup>rd</sup> day of January 2024, for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Motion to Dismiss Count III of Plaintiff's First Amended Complaint, *see* ECF No. 14, is **GRANTED**. Count III is **DISMISSED without prejudice**:
  - a. **Within twenty (20) days of the date of this Order**, Plaintiff may file an amended complaint as to Count III.
  - b. If Plaintiff fails to timely file an amended complaint, Count III will be dismissed with prejudice and the matter will proceed on Counts I and II only.
2. The Motion to Strike, *see* ECF No. 14, is **GRANTED**. Plaintiff's demand for attorney's fees in Count I is **STRICKEN** from Plaintiff's First Amended Complaint.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge